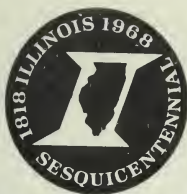


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The Illinois Water Well Pump Installation Contractors License Act

Ill. Rev. Stat. 1967, Ch. 111½
Sec. 116.121 to 116.147

STATE OF ILLINOIS

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**DEPARTMENT OF
REGISTRATION AND EDUCATION**

**JOHN C. WATSON, Director
SPRINGFIELD, ILLINOIS 62706**

1968

(Printed by Authority of the State of Illinois)

WATER WELL PUMP INSTALLATION CONTRACTORS LICENSE ACT

Act of Aug. 20, 1965

INDEX

Sec.

1. Short title.
2. Declaration of policy.
3. Definitions.
4. Exemption.
5. Scope.
6. Board of water well pump installation contractor examiners.
7. Powers and duties of the department.
8. Rules and regulations.
9. Applications.
10. Qualifications.
11. Existing Contractors.
12. Advice of the board.
13. Expiration.
14. Fees.
15. Display.
16. Grounds for suspension, revocation or refusal.
17. Suspension, revocation or refusal procedures.
18. Subpoena of witnesses.
19. Stenographer—record of proceedings.
20. Re-hearing.
21. Coercion of witnesses.
22. Review by circuit courts.
23. Surrender of license.
24. Court action.
25. Restraining violations.
26. Fines.
27. Severability.

WATER WELL PUMP INSTALLATION CONTRACTORS LICENSE ACT

AN ACT to license water well pump installation contractors and to provide penalties for the violation thereof. (Approved Aug. 20, 1965. L. 1965, p. 3219.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Short Title.] This Act shall be known and may be cited as the "Illinois Water Well Pump Installation Contractors License Act."

Sec. 2. [Declaration of Policy.] It has been established by scientific evidence that improperly installed water well pumps and equipment can adversely affect the public health. Consistent with its duty to safeguard the public health of this State, the General Assembly therefor declares that the licensing of water well pump installation contractors is essential for the protection of the public health.

Sec. 3. [Definitions.] As used in this Act, unless the context otherwise requires:

(a) "Department" means the Department of Registration and Education;

(b) "Director" means the Director of the Department of Registration and Education;

(c) "Water Well Pump Installation Contractor" means any person, firm or corporation engaged in the business of installing or repairing pumps and pumping equipment owned by others;

(d) "Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in with-

drawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination, but not including repair to any existing installation;

(e) "Water Well Pumps and Equipment" means equipment and materials utilized or intended for use in withdrawing or obtaining water from a well for any use, including such seals and safeguards as may be necessary to protect such water from contamination;

(f) "Board" means the Board of Water Well Pump Installation Contractor Examiners created by this Act;

(g) "License" means a water well pump installation contractor's license required by this Act.

Sec. 4. [Exemption.] The provisions of this Act do not apply (i) to an individual who performs labor or services for a licensed water well pump installation contractor in connection with the installation or repair of any water well pump or equipment at the direction and under the personal supervision of a licensed water well pump installation contractor, or (ii) to any person, firm or corporation engaged in the installation or repair of water well pumps or equipment in wells drilled or used for observation or any other purpose in connection with the development or operation of a gas storage project.

Sec. 5. [Scope.] Subject to the provisions of Section 4, after December 31, 1965, no contractor shall install or repair a water well pump or equipment or engage in the occupation of a water well pump installation contractor unless he holds a valid license as a water well

pump installation contractor issued by the Department under this Act.

Sec. 6. [Board of Water Well Pump Installation Contractor Examiners.] There is created in the Department a Board of Water Well Pump Installation Contractor Examiners which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of three members, designated by the Director. In making the appointment to the Board, the Director shall consider the recommendations of the Illinois Water Well Driller's Association. The members of the Board shall be paid at the rate of \$10.00 per day for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses. The Board shall aid the Director and the Department by performing the following duties:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for a water well pump installation contractor's license in the following areas: the installation and repair of water well pumps and equipment, water pressure and storage tanks, connected piping, and related appurtenances; proper sealing of the installation; and Illinois Pump Installation Code.

(b) Suggesting rules and regulations to govern examinations and hearings for revocation or suspension or refusal to issue or renew a license;

(c) Holding examinations of applicants for license at least once a year prior to November 1st in each year on a date to be fixed by the Department;

(d) Grading all tests and examinations for licenses and promptly reporting results thereof to the Director;

(e) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;

(f) Submitting recommendations to the Director for the efficient administration of this Act;

(g) Performing such other duties as may be prescribed by the Director.

Sec. 7. [Powers and Duties of the Department.] The Department has general supervision and authority over the administration and enforcement of this Act. With respect thereto it shall:

(a) Adopt, publish and amend rules and regulations as hereinafter provided;

(b) Fix and announce dates for examinations;

(c) Prepare forms for application for a water well pump installation contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(d) Prepare and issue license certificates to those entitled thereto;

(e) Maintain a record showing:

(1) the names and addresses of licensed water well pump installation contractors,

(2) the dates of issuance of licenses,

(3) the date and substance of the charges set forth in any complaint for suspension or revocation of any license,

(4) the date and substance of all petitions for reinstatement of any license, and

(5) the final order on such complaints and petitions.

Sec. 8. [Rules and Regulations.] The Department shall adopt and amend rules and regu-

lations reasonably necessary to effectuate the policy declared by this Act. Such rules and regulations shall:

(a) Provide procedures governing the conduct of examinations;

(b) Provide for the orderly performance of such other duties as the administration and enforcement of this Act may require.

Sec. 9. [Applications.] Applications for a license, or for renewal thereof, and applications for examination shall be made to the Department in writing and under oath or affirmation, upon forms prescribed and furnished by the Department. Such applications shall contain such information as the Department deems necessary in order to carry out the provisions of this Act.

Sec. 10. [Qualifications.] The Department shall issue a water well pump installation contractor's license to any applicant therefor who (a) is at least 21 years of age, (b) is a citizen of the United States or has declared his intention to become a citizen of the United States, (c) possesses a good moral character, (d) has had at least two years experience in the installation and repair of water well pumps and equipment, (e) has made a satisfactory grade on examination, and (f) has paid a fee therefor as required herein. Such licenses shall be serially numbered, shall be signed by the Director and issued under the seal of the Department.

Sec. 11. [Existing Contractors.] Any person who has been engaged in the occupation, trade or business of a water well pump installation contractor within the State of Illinois for a period of 12 months prior to January 1, 1966, shall, upon application before December 31, 1967 and payment of the required license fee, be issued a water well pump installation con-

tractor's license hereunder without examination. The Director shall require such applicant to submit satisfactory proof that he was so engaged prior to such time. (As amended by act approved Aug. 26, 1967.)

Sec. 12. [Advice of the Board.] None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the advice in writing of the Board. Written advice of a majority of the members of the Board constitutes sufficient authority upon which the Director may act.

Sec. 13. [Expiration.] All licenses issued under this Act expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor as hereinabove provided, and paying the fee as hereinafter required, at least 30 days prior to the expiration date of the current license. Such application has the effect of extending the period of validity of the current license until a new license is received or the Department notifies the applicant of its refusal to issue a renewal license as hereinafter provided.

Sec. 14. [Fees.] The following fees shall be paid to the Department at the time the application is made:

- (1) for original license.....\$50
 - (2) for renewal of license.....\$25
- There is no reduction in such fees because a license when issued is valid for less than a full license year.

Sec. 15. [Display.] The licensee shall conspicuously display his license at his principal place of business.

Sec. 16. [Grounds for Suspension, Revocation or Refusal.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

(1) Material misstatement in the application for license;

(2) Failure to possess or retain the qualifications required by Section 10 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or disregard or violation of any law of the State of Illinois relating to the installation of water well pumps and equipment or any rule or regulation adopted pursuant thereto;

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant thereto;

(5) Incompetency in the performance of the work of a Water Well Pump Installation Contractor;

(6) Allowing the use of a license by someone other than the person in whose name it was issued;

(7) Conviction of any crime an essential element of which is misstatement, fraud or misrepresentation, conviction in this or another State of any crime which is a felony under the laws of this State or conviction in a federal court of any felony. (As amended by act approved May 4, 1967.)

Sec. 17. [Suspension, Revocation or Refusal Procedures.] The Department may upon its own motion and shall upon the receipt of notification from the Director of the Department of Public Health or upon the verified complaint in writing of any person, setting forth facts

which, if proved, would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the dates set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths.

Sec. 18. [Subpoena of Witnesses.] The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in Circuit Courts of this State.

Sec. 19. [Stenographer—Record of Proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 40 cents per page for each carbon copy thereof ordered with the original.

Sec. 20. [Re-hearing.] In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for re-hearing is denied, then upon such denial, the original order of the Director becomes final. No more than one re-hearing is allowed. If the respondent orders and pays for a transcript of the record within

the time for filing a motion for re-hearing, then the 20 day period within which such a motion may be filed commences upon the delivery of the transcript to the respondent.

Sec. 21. [Coercion of Witnesses.] Any Circuit Court may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court may compel obedience to such order by proceedings for contempt.

Sec. 22. [Review by Circuit Courts.] Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the Circuit Court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue is in Sangamon County. The provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Sec. 23. [Surrender of License.] Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department and if the licensee fails to so surrender his license, the Department has the right to seize such license.

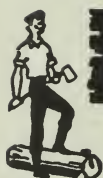
Sec. 24. [Court Action.] No action or counterclaim shall be maintained by any water well

pump installation contractor in any court in this State with respect to any agreement, work, labor, materials, equipment or any combination thereof, for which a license is required by this Act, unless such contractor holds a valid license issued pursuant to this Act, at the time the facts upon which such action or counterclaim is based are alleged to have occurred.

Sec. 25. [Restraining Violations.] Whenever it is determined by the Director that any person has violated or is violating the provisions of this Act, or any rule or regulation adopted pursuant thereto relating to installation of any water well pump or equipment, and unless the Director without litigation, can effectively prevent further violation, then the Director through the Attorney General, who may call to his assistance the State's Attorney of the County in which suit is instituted, shall bring suit in the name of the People of the State of Illinois against such person in the Circuit Court of the county wherein is situated the water well pump or equipment which is the subject matter of such action, to restrain such person from continuing such violation. In such suit, the Director, in the name of the People of the State of Illinois, may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and temporary injunctions, as the facts may warrant. Proceedings under this section are in addition to, and not in lieu of, all other remedies and penalties provided by this Act or otherwise.

Sec. 26. [Fines.] Any person convicted of violation of any provision of this Act or any rule or regulation promulgated thereunder shall be fined in an amount not to exceed \$500, such fine to be in addition to and not in lieu of, all other remedies and penalties provided by this Act or otherwise.

Sec. 27. [Severability.] If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding does not affect the validity of the remaining parts of this Act.



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**The Illinois
WATER WELL AND
PUMP INSTALLATION
CONTRACTOR'S LICENSE
ACT**

Ill. Rev. Stat. 1969, Ch. 111½
Sec. 116.76 to 116.103

STATE OF ILLINOIS

RICHARD B. OGILVIE, Governor



**DEPARTMENT OF
REGISTRATION AND EDUCATION**

**WILLIAM H. ROBINSON, Director
SPRINGFIELD, ILLINOIS 62706**

1971

(Printed by Authority of the State of Illinois)

**WATER WELL AND PUMP INSTALLATION
CONTRACTOR'S LICENSE ACT
INDEX**

Sec.

1. Citation.
- 1.5
2. Definitions.
3. Application.
4. License.
5. Repealed.
6. Board — creation — membership — appointments — powers and duties.
7. Department — powers and duties.
8. License — application for examination — contents.
9. License — qualifications — numbering and signing.
10. Persons engaged in occupation — licensing.
11. Department — limitation on powers.
12. Licenses — expiration — renewal.
13. Licenses — fees.
14. Licenses — display.
15. Refusal, suspension or revocation of license — grounds.
16. Suspension and revocation of licenses — investigation — notice — hearing.
17. Subpoena of witnesses.
18. Stenographer — record of proceedings.
19. Suspension and revocation of licenses — hearing — re-hearing.
20. Coercion of witnesses.
21. Judicial review.
22. Repealed.
23. Surrender of license.
24. Enforcement of act.
25. Actions for work, labor or material — allegation and proof of valid license.
26. Violations — injunctions — contempt.
27. Penalties.
28. Severability provision.

WATER WELL AND PUMP INSTALLATION CONTRACTOR'S LICENSE ACT

AN ACT to license and regulate water well contractors and water well pump installation contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved September 23, 1971)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Citation.] This Act shall be known and may be cited as the "Water Well and Pump Installation Contractor's License Act".

Sec. 1.5 It has been established that there is an ever increasing shortage of water in this State and that improperly installed water wells, pumps and related equipment can endanger the public health. Consistent with its duty to protect the public health and welfare of this State, and to insure the development of the natural resource of underground water in an orderly and sanitary manner, the General Assembly hereby declares that the licensing of Water Well Contractors and Water Well Pump Installation Contractors is essential to the protection of the public health.

Sec. 2. [Definitions.] As used in this Act, unless the context otherwise requires: (1) "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure

oil or natural gas bearing formation or for storing petroleum, natural gas or other products; (2) "Ground water" means water of under-ground aquifers, streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise;

(3) "Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;

(4) "Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;

(5) "Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, but not including repair to any existing installation;

(6) "Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others;

(7) "Water Well and Pump Installation Contractor" means any person engaged in both businesses described in subsections 4, 5, and 6 above.

(8) "Department" means the Department of Registration and Education of this State;

(9) "Director" means the Director of the De-

partment of Registration and Education:

(10) "Board" means the Water Well and Pump Installation Contractor's Licensing Board created by Section 6 of this Act;

(11) "Person" includes any natural person, partnership, association, trust and public or private corporation;

Sec. 3. [Application.] This Act shall not apply:

(1) to an individual who drills a water well or installs a water well pump on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.

(3) to an individual who performs labor or services for a licensed water well pump installation contractor in connection with the installation or repair of any water well pump or equipment at the direction and under the personal supervision of a licensed water well pump installation contractor, or

(4) to any person, firm or corporation engaged in the installation or repair of water well pumps or equipment in wells drilled or used for observation or any other purpose in connection with the development or operation of a gas storage project.

Sec. 4. [License.] Subject to the provisions of Section 3, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contractor issued by the Department under this Act. Subject to the provisions of Section 3, after January 1, 1972,

no person shall drill a water well, install or repair a water well pump or equipment, or engaged in the occupation of a Water Well and Pump Installation Contractor unless he holds a valid license as a Water Well and Pump Installation Contractor issued under this Act.

Provided, however, that nothing in this Section or any other statute or regulation of this State prohibits any person from making a water well pump installation or engaging in the business of connecting water pressure tanks to the water supply systems of buildings or to pumps or pumping units, so long as such person possesses either a valid license as a water well pump installation contractor or a water well and pump installation contractor issued under this Act or has a valid license issued under the Illinois Plumbing License Law and is a certified plumbing contractor or is an employee of a certified plumbing contractor pursuant to the Illinois Plumbing Contractor's Certification Act.

Sec. 5. Repealed (As amended by Act approved September 23, 1971.

Sec. 6. [Board — Creation — Membership — Appointments — Powers and duties.] There is created in the Department the Water Well and Pump Installation Contractors Licensing Board which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 6 members, designated from time to time by the Director. Two members shall be licensed water well contractors, two members shall be licensed water well and pump installation contractors, and two members shall be licensed water well and pump installation contractors. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Association.

The members of the Board shall be paid at

the per diem rate established by the Department for examining committees for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of the Public Health of the State of Illinois under the Public Water Supply Control Law; and the Illinois Pump Installation Code.

(b) Promulgating rules and regulations to govern examinations, hearings for suspension or revocation of or refusal to issue or renew a license, clarifying the law as it relates to water well and pump installation contracting.

(c) Holding examinations of applicants for license at least once a year prior to November 1st in each year;

(d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;

(e) Submitting recommendations to the Director from time to time for the efficient administration of this Act;

(f) Grading all tests and examinations for licenses and promptly reporting the results to the Director; and

(g) Performing such other duties from time to time prescribed by the Director.

Sec. 7. [Department — Powers and duties.] The Department shall: (a) Fix and announce dates

for examinations;

(b) Prepare forms for application for a water well Contractor's license, a water well pump installation contractor's license, and a water well drilling and pump installation contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates to those entitled thereto;

(d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations;

(e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act;

(f) Maintain and publish annually a roster showing (1) the names and addresses of licensed water well contractors, water well pump installation contractors, and water well and pump installation contractors. The Department may impose a fee for each roster which fee shall be set forth in the rules and regulations.

The Department shall maintain a record in the Springfield office showing (1) the names and addresses of all registrants under this Act, (2) the dates of issuance of the licenses, (3) the date and substance of the charges set forth in any complaint for suspension or revocation of any license, (4) the date and substance of all petitions for reinstatement of licenses and (5) the final order on such complaints and petitions. Upon written request the Department in its discretion shall make this information available to any registrant under this Act.

Sec. 8. [License — Application for examinations

— **Contents.]** If an applicant neglects, fails or refuses to take an examination for license under this Act within 3 years after filing his application, the examination fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. The Department shall adopt and amend rules and regulations reasonably necessary to effectuate the policy declared by this Act. Such rules and regulations shall:

(a) Provide procedures governing the conduct of examination; and

(b) Provide for the orderly performance of such other duties as the administration and enforcement of this Act may require.

Sec. 9. [License — Qualifications — Numbering and signing.] Applications for a license, or for renewal thereof, and applications for examination shall be made to the Department in writing and under oath or affirmation, upon forms prescribed and furnished by the Department. Such applications shall contain such information as the Department deems necessary in order to carry out the provisions of this Act.

The Department shall issue a Water Well Contractor's license, a Water Well Pump Installation Contractor's license, or a Water Well and Pump Installation Contractor's license to any applicant therefor who:

- (a) is at least 21 years of age,
- (b) is a citizen of the United States or has declared his intention to become a citizen of the United States,
- (c) possesses a good moral character,
- (d) has had the required experience as follows:

(1) an applicant for a water well contractor's license shall have worked two years under the supervision of a licensed water well contractor,

(2) an applicant for a water well pump installation contractor's license shall have worked two years under the supervision of a licensed water well pump installation contractor or in the case of those applicants whose experience was gained prior to January 1, 1972, under the supervision of a contractor who was engaged in water well pump installation,

(3) an applicant for a water well and pump installation contractor's license shall have worked two years for a licensed water well and pump installation contractor and the applicant shall show evidence satisfactory to the Department that he was engaged in both water well contracting and pump installing during the two year period. For those applicants who gained their experience prior to January 1, 1972, it shall be sufficient for them to show that they worked under the supervision of a licensed water well contractor who was engaged in pump installation and that they did work in both fields.

(e) has made a satisfactory grade on the examination for the particular license for which he is applying.

(f) has paid the fee provided by statute.

Such licenses shall be serially numbered, shall be signed by the Director and issued under the seal of the Department.

Sec. 10. [Persons engaged in occupation — Licensing] Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall upon application

within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. Any person who has been engaged in the occupation, trade or business of Water Well Pump Installation Contractor within the State of Illinois for a period of twelve (12) months in the past ten (10) years prior to January 1, 1972, shall, upon application before December 31, 1972, and payment of the required fee, be issued a Water Well Pump Installation Contractor's license hereunder without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Sec. 11. [Department — Limitation on powers.] None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or rehearing by the same or other examiners.

Sec. 12. [Licenses — Expiration — Renewal.] All licenses issued under this Act shall expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and

such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act. A license issued under this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 3 years have elapsed since the date of expiration. A license which has expired for more than 3 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

Sec. 13. [Licenses — Fees.] The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well pump installation contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well and pump installation contractor is \$80.

The fee to be paid by an applicant for the annual renewal of a license as a water well contractor or water well pump installation contractor is \$25.

The fee to be paid by an applicant for the annual renewal of a license as a water well and pump installation contractor is \$35.

The fee to be paid by an applicant for the reinstatement of a water well contractor license or a water well pump installation contractor license which has lapsed less than 3 years is \$10, plus all lapsed renewal fees.

The fee to be paid by an applicant for res-

toration of a water well contractor's license or or water well pump installation contractor's license which has lapsed more than three years is \$150.

The fee to be paid by an applicant for the reinstatement of a water well and pump installation contractor license which has lapsed less than 3 years is \$15, plus all lapsed renewal fees.

The fee to be paid for the restoration of a license as a water well and pump installation contractor which has lapsed more than 3 years is \$175.

There shall be no reduction in such fees because a license when issued may be valid for less time than a full license.

Sec. 14. [Licenses — Display] The licensee shall conspicuously display his license at his principal place of business.

Sec. 15. [Refusal, suspension or revocation of license — grounds.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

(1) Material misstatement in the application for license;

(2) Failure to have or retain the qualifications required by Section 9 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or disregard or violation of any law of the State of Illinois or of any rule or regulation promulgated pursuant thereto relating to water well drilling or the installation of water pumps and equipment or any rule or regulation adopted pursuant thereto;

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regula-

tion promulgated by the Department pursuant thereto;

(5) Incompetence in the performance of the work of a water well contractor or of a water well pump installation contractor;

(6) Allowing the use of a license by someone other than the person in whose name it was issued;

(7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or the conviction in a federal court of any felony.

(8) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor or a water well pump installation contractor.

Sec. 16. [Suspension and revocation of licenses — Investigation — Notice — Hearing.] The Department may upon its own motion and shall upon the receipt of notification from the Director of the Department of Public Health or upon the verified complaint in writing of any person, setting forth facts which, if proved, would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine

whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths. (As amended by act approved Aug. 20, 1965.)

Sec. 17. [Subpoena of witnesses.] The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Sec. 18. [Stenographer — Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, com-

plaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original. Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy.

Sec. 19. [Suspension and revocation of licenses — Hearing — Re-hearing.] In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearings. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing

a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 20. [Coercion of witnesses.] Any circuit court or any Judge thereof, may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Sept. 7, 1967.)

Sec. 21. [Judicial review.] Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the complaint a re-

ceipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in Court shall be grounds for dismissal of the action.

Sec. 22. Repealed by act approved Aug. 24, 1965.

Sec. 23. [Surrender of license.] Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Sec. 24. [Enforcement of act.] The Department may issue regulations, consistent with the provisions of this Act. for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Sec. 25. [Actions for work, labor or material — Allegation and proof of valid license.] No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and providing that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Sec. 26. [Violations — Injunctions — Contempt.] If any person has violated or is violating the

provision of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Sec. 27. [Penalties.] Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Sec. 28. [Severability provision.] If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.

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**The Illinois
WATER WELL AND
PUMP INSTALLATION
CONTRACTOR'S LICENSE
ACT**

Ill. Rev. Stat. 1969, Ch. 111½
Sec. 116.76 to 116.103

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1973

(Printed by Authority of the State of Illinois)

**WATER WELL AND PUMP INSTALLATION
CONTRACTOR'S LICENSE ACT
INDEX**

Sec.

1. Citation.
- 1.5
2. Definitions.
3. Application.
4. License.
5. Repealed.
6. Board — creation — membership — appointments — powers and duties.
7. Department — powers and duties.
8. License — application for examination — contents.
9. License — qualifications — numbering and signing.
10. Persons engaged in occupation — licensing.
11. Department — limitation on powers.
12. Licenses — expiration — renewal.
13. Licenses — fees.
14. Licenses — display.
15. Refusal, suspension or revocation of license — grounds.
16. Suspension and revocation of licenses — investigation — notice — hearing.
17. Subpoena of witnesses.
18. Stenographer — record of proceedings.
19. Suspension and revocation of licenses — hearing — re-hearing.
20. Coercion of witnesses.
21. Judicial review.
22. Repealed.
23. Surrender of license.
24. Enforcement of act.
25. Actions for work, labor or material — allegation and proof of valid license.
26. Violations — injunctions — contempt.
27. Penalties.
28. Severability provision.

WATER WELL AND PUMP INSTALLATION CONTRACTOR'S LICENSE ACT

AN ACT to license and regulate water well contractors and water well pump installation contractors and to provide penalties for the violation thereof, and to make an appropriation therefor. (Approved September 23, 1971)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Sec. 1. [Citation.] This Act shall be known and may be cited as the "Water Well and Pump Installation Contractor's License Act".

Sec. 1.5 It has been established that there is an ever increasing shortage of water in this State and that improperly installed water wells, pumps and related equipment can endanger the public health. Consistent with its duty to protect the public health and welfare of this State, and to insure the development of the natural resource of underground water in an orderly and sanitary manner, the General Assembly hereby declares that the licensing of Water Well Contractors and Water Well Pump Installation Contractors is essential to the protection of the public health.

Sec. 2. [Definitions.] As used in this Act, unless the context otherwise requires: (1) "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure

oil or natural gas bearing formation or for storing petroleum, natural gas or other products; (2) "Ground water" means water of under-ground aquifers, streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise;

(3) "Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;

(4) "Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;

(5) "Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, but not including repair to any existing installation;

(6) "Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others;

(7) "Water Well and Pump Installation Contractor" means any person engaged in both businesses described in subsections 4, 5, and 6 above.

(8) "Department" means the Department of Registration and Education of this State;

(9) "Director" means the Director of the De-

partment of Registration and Education:

(10) "Board" means the Water Well and Pump Installation Contractor's Licensing Board created by Section 6 of this Act;

(11) "Person" includes any natural person, partnership, association, trust and public or private corporation;

Sec. 3. [Application.] This Act shall not apply:
 (1) to an individual who drills a water well or installs a water well pump on land which is owned or leased by him and is used by him for farming purposes or as his place of abode;
 or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor.

(3) to an individual who performs labor or services for a licensed water well pump installation contractor in connection with the installation or repair of any water well pump or equipment at the direction and under the personal supervision of a licensed water well pump installation contractor, or

(4) to any person, firm or corporation engaged in the installation or repair of water well pumps or equipment in wells drilled or used for observation or any other purpose in connection with the development or operation of a gas storage project.

Sec. 4. [License.] Subject to the provisions of Section 3, no contractor shall drill a water well or engage in the occupation of a water well Contractor unless he holds a valid license as a water well Contractor issued by the Department under this Act. Subject to the provisions of Section 3, after January 1, 1972,

no person shall drill a water well, install or repair a water well pump or equipment, or engaged in the occupation of a Water Well and Pump Installation Contractor unless he holds a valid license as a Water Well and Pump Installation Contractor issued under this Act.

Provided, however, that nothing in this Section or any other statute or regulation of this State prohibits any person from making a water well pump installation or engaging in the business of connecting water pressure tanks to the water supply systems of buildings or to pumps or pumping units, so long as such person possesses either a valid license as a water well pump installation contractor or a water well and pump installation contractor issued under this Act or has a valid license issued under the Illinois Plumbing License Law and is a certified plumbing contractor or is an employee of a certified plumbing contractor pursuant to the Illinois Plumbing Contractor's Certification Act.

Sec. 5. Repealed (As amended by Act approved September 23, 1971.

Sec. 6. [Board — Creation — Membership — Appointments — Powers and duties.] There is created in the Department the Water Well and Pump Installation Contractors Licensing Board which shall exercise its duties provided in this Act under the supervision of the Department. The Board shall consist of 6 members, designated from time to time by the Director. Two members shall be licensed water well contractors, two members shall be licensed water well and pump installation contractors, and two members shall be licensed water well pump installation contractors. In making the appointments to the Board, the Director shall consider the recommendation of the Illinois Water Well Association.

The members of the Board shall be paid at

the per diem rate established by the Department for examining committees for actual time devoted to their duties and shall be reimbursed for necessary traveling expenses.

The Board shall aid the Director and the Department by:

(a) Preparing subject matter for examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department of the Public Health of the State of Illinois under the Public Water Supply Control Law; and the Illinois Pump Installation Code.

(b) Promulgating rules and regulations to govern examinations, hearings for suspension or revocation of or refusal to issue or renew a license, clarifying the law as it relates to water well and pump installation contracting.

(c) Holding examinations of applicants for license at least once a year prior to November 1st in each year;

(d) Holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;

(e) Submitting recommendations to the Director from time to time for the efficient administration of this Act;

(f) Grading all tests and examinations for licenses and promptly reporting the results to the Director; and

(g) Performing such other duties from time to time prescribed by the Director.

Sec. 7. [Department — Powers and duties.] The Department shall: (a) Fix and announce dates

for examinations;

(b) Prepare forms for application for a water well Contractor's license, a water well pump installation contractor's license, and a water well drilling and pump installation contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates to those entitled thereto;

(d) With the aid of the Board, prescribe rules and regulations for the conduct of examinations;

(e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act;

(f) Maintain and publish annually a roster showing (1) the names and addresses of licensed water well contractors, water well pump installation contractors, and water well and pump installation contractors. The Department may impose a fee for each roster which fee shall be set forth in the rules and regulations.

The Department shall maintain a record in the Springfield office showing (1) the names and addresses of all registrants under this Act, (2) the dates of issuance of the licenses, (3) the date and substance of the charges set forth in any complaint for suspension or revocation of any license, (4) the date and substance of all petitions for reinstatement of licenses and (5) the final order on such complaints and petitions. Upon written request the Department in its discretion shall make this information available to any registrant under this Act.

Sec. 8. [License — Application for examinations

— **Contents.]** If an applicant neglects, fails or refuses to take an examination for license under this Act within 3 years after filing his application, the examination fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. The Department shall adopt and amend rules and regulations reasonably necessary to effectuate the policy declared by this Act. Such rules and regulations shall:

(a) Provide procedures governing the conduct of examination; and

(b) Provide for the orderly performance of such other duties as the administration and enforcement of this Act may require.

Sec. 9. [License — Qualifications — Numbering and signing.] Applications for a license, or for renewal thereof, and applications for examination shall be made to the Department in writing and under oath or affirmation, upon forms prescribed and furnished by the Department. Such applications shall contain such information as the Department deems necessary in order to carry out the provisions of this Act.

The Department shall issue a Water Well Contractor's license, a Water Well Pump Installation Contractor's license, or a Water Well and Pump Installation Contractor's license to any applicant therefor who:

- (a) is at least 21 years of age,
- (b) is a citizen of the United States or has declared his intention to become a citizen of the United States,
- (c) possesses a good moral character,
- (d) has had the required experience as follows:

(1) an applicant for a water well contractor's license shall have worked two years under the supervision of a licensed water well contractor,

(2) an applicant for a water well pump installation contractor's license shall have worked two years under the supervision of a licensed water well pump installation contractor or in the case of those applicants whose experience was gained prior to January 1, 1972, under the supervision of a contractor who was engaged in water well pump installation,

(3) an applicant for a water well and pump installation contractor's license shall have worked two years for a licensed water well and pump installation contractor and the applicant shall show evidence satisfactory to the Department that he was engaged in both water well contracting and pump installing during the two year period. For those applicants who gained their experience prior to January 1, 1972, it shall be sufficient for them to show that they worked under the supervision of a licensed water well contractor who was engaged in pump installation and that they did work in both fields.

(e) has made a satisfactory grade on the examination for the particular license for which he is applying.

(f) has paid the fee provided by statute.

Such licenses shall be serially numbered, shall be signed by the Director and issued under the seal of the Department.

Sec. 10. [Persons engaged in occupation — Licensing] Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall upon application

within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. Any person who has been engaged in the occupation, trade or business of Water Well Pump Installation Contractor within the State of Illinois for a period of twelve (12) months in the past ten (10) years prior to January 1, 1972, shall, upon application before December 31, 1972, and payment of the required fee, be issued a Water Well Pump Installation Contractor's license hereunder without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

Sec. 11. [Department — Limitation on powers.] None of the functions, powers and duties enumerated in this Act shall be exercised by the Department except upon the action and report in writing of the Board.

The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination, or in the suspension or revocation of or refusal to restore, issue or renew a license, he may order a re-examination or rehearing by the same or other examiners.

Sec. 12. [Licenses — Expiration — Renewal.] All licenses issued under this Act shall expire on the last day of January next following the date of issuance. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and

such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act. A license issued under this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 3 years have elapsed since the date of expiration. A license which has expired for more than 3 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

Sec. 13. [Licenses — Fees.] The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well pump installation contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well and pump installation contractor is \$80.

The fee to be paid by an applicant for the annual renewal of a license as a water well contractor or water well pump installation contractor is \$25.

The fee to be paid by an applicant for the annual renewal of a license as a water well and pump installation contractor is \$35.

The fee to be paid by an applicant for the reinstatement of a water well contractor license or a water well pump installation contractor license which has lapsed less than 3 years is \$10, plus all lapsed renewal fees.

The fee to be paid by an applicant for res-

toration of a water well contractor's license or water well pump installation contractor's license which has lapsed more than three years is \$150.

The fee to be paid by an applicant for the reinstatement of a water well and pump installation contractor license which has lapsed less than 3 years is \$15, plus all lapsed renewal fees.

The fee to be paid for the restoration of a license as a water well and pump installation contractor which has lapsed more than 3 years is \$175.

There shall be no reduction in such fees because a license when issued may be valid for less time than a full license.

Sec. 14. [Licenses — Display] The licensee shall conspicuously display his license at his principal place of business.

Sec. 15. [Refusal, suspension or revocation of license — grounds.] The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

(1) Material misstatement in the application for license;

(2) Failure to have or retain the qualifications required by Section 9 of this Act;

(3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or disregard or violation of any law of the State of Illinois or of any rule or regulation promulgated pursuant thereto relating to water well drilling or the installation of water pumps and equipment or any rule or regulation adopted pursuant thereto;

(4) Wilfully aiding or abetting another in the violation of this Act or any rule or regula-

tion promulgated by the Department pursuant thereto;

(5) Incompetence in the performance of the work of a water well contractor or of a water well pump installation contractor;

(6) Allowing the use of a license by someone other than the person in whose name it was issued;

(7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or the conviction in a federal court of any felony.

(8) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor or a water well pump installation contractor.

Sec. 16. [Suspension and revocation of licenses — Investigation — Notice — Hearing.] The Department may upon its own motion and shall upon the receipt of notification from the Director of the Department of Public Health or upon the verified complaint in writing of any person, setting forth facts which, if proved, would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine

whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths. (As amended by act approved Aug. 20, 1965.)

Sec. 17. [Subpoena of witnesses.] The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in circuit courts of this State.

Sec. 18. [Stenographer — Record of proceedings.] The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, com-

plaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original. Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy.

Sec. 19. [Suspension and revocation of licenses — Hearing — Re-hearing.] In any case involving the refusal to issue or renew or the suspension or revocation of a license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearings. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing

a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Sec. 20. [Coercion of witnesses.] Any circuit court or any Judge thereof, may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court or judge may compel obedience to its or his order by proceedings for contempt. (As amended by act approved Sept. 7, 1967.)

Sec. 21. [Judicial review.] Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 1 of said "Administrative Review Act".

The Department shall not be required to certify any record to the Court or file any answer in Court or otherwise appear in any Court in a Judicial review proceeding, unless there is filed in the Court with the complaint a re-

ceipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in Court shall be grounds for dismissal of the action.

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Sec. 23. [Surrender of license.] Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

Sec. 24. [Enforcement of act.] The Department may issue regulations, consistent with the provisions of this Act. for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

Sec. 25. [Actions for work, labor or material — Allegation and proof of valid license.] No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and providing that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

Sec. 26. [Violations — Injunctions — Contempt.] If any person has violated or is violating the

INDEX

TITLE	PAGE
Applications.	1
Examinations.	1&2
Discrimination.	2
Non-Resident's Consent.	2

RULES AND REGULATIONS PROMULGATED

FOR ADMINISTRATION OF THE ILLINOIS WATER WELL AND PUMP INSTALLATION CONTRACTOR'S LICENSE ACT

RULE I – APPLICATIONS

1. A recent photograph shall comprise a part of the application form and be made a permanent record.

2. Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.

3. Affidavits from employers must accompany the application indicating the applicant's employment experience meets the statutory qualifications. These affidavits shall be made a part of the application form and become a permanent record.

4. An application for examination for registration as a licensed water well contractor and/or water well pump installation contractor must be received in the Office of the Department of Registration and Education, Springfield, Illinois, at least 15 days prior to the date of the examination.

RULE II – EXAMINATIONS

1. A recent photograph of the applicant must be personally presented by the applicant at the time of the examination.

2. The examination shall be written and consist of questions on the subjects outlined in Section 6a of the Act; each subject to be graded on the basis of 100.

3. To be successful an applicant must make an average grade of not less than 75 with no grade below 60.

4. The Board shall prepare questions on the following subjects:

- A. General Knowledge of Well Drilling Industry
- B. General Knowledge of Pump Installation Industry
- C. Wells
- D. Pumps

Applicants desiring a water well contractor license will be required to successfully pass parts A and C. Applicants desiring a water well pump installation contractor license will be required to successfully pass parts B and D. Applicants desiring licensure for both will be required to successfully pass all portions.

5. An applicant who fails in his first examination will be required in his second or third examination to retake only those subjects in which he received a grade of less than 75.

6. If the applicant is admitted to a fourth or subsequent examinations he will be required to take an examination in all subjects covered by Section 6a of the Act.

7. All answers to examinations shall be written by the applicant.

RULE III – DISCRIMINATION

1. No holder of a license or certificate of registration issued under the provisions of the Illinois Water Well and Pump Installation Contractor's License Act shall refuse to render services to a person solely on account of race, religion, color, or national origin.

RULE IV – NON-RESIDENT'S CONSENT

1. Non-resident applicants for licensure under this Act shall be required to execute a non-revokable consent to service form prepared by the Department.

provision of this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in any court of competent jurisdiction, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit or otherwise that such person has violated this Act, may issue a temporary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, or any judge thereof, may enter a decree perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order or decree issued under the provisions of this Section, the Court, or any judge thereof, may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

Sec. 27. [Penalties.] Whoever violates any provision of this Act shall be fined not to exceed \$500. Such fine shall be in addition to any other action that may be taken under this Act.

Sec. 28. [Severability provision.] If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.

